

ENVIRONMENTAL QUALITY

CHAPTER 38

PUBLIC WATER AND SEWAGE SYSTEM REQUIREMENTS

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Sub-Chapter 1

Public Water and Sewer Plans,
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17.38.101 PLANS FOR PUBLIC WATER SUPPLY OR WASTEWATER SYSTEM (1) For purposes of this rule, "delegated division of local government" means a local government that has been delegated authority pursuant to ARM 17.38.102 and 75-6-121, MCA, to review and approve plans and specifications for public water supply or waste water systems, as designated in the written delegation.

(2) The purpose of this rule is to assure the protection of public health and the quality of state waters by requiring review and approval, by either the department or a delegated division of local government, of plans and specifications for siting, construction and modification of public water supply and waste water systems prior to the beginning of construction.

(3) As used in this rule, the following definitions apply in addition to those in 75-6-102, MCA.

(a) "Applicant" means a person who submits plans and specifications for approval pursuant to this rule.

(b) "Main" means any line providing water or sewer to multiple service connections.

(c) "Public sewage system" means a system of collection, transportation, treatment, or disposal of sewage that serves 15 or more families or 25 or more persons daily for a period of at least 60 days in a calendar year.

(i) "Community sewage system" means a public sewage system that serves at least 15 service connections used by year-round residents or that regularly serves at least 25 year-round residents.

(ii) "Non-community sewage system" means any public sewage system which is not a community sewage system.

(d) "Service connection" means a line that provides water or sewer service to one building or living unit.

(e) "Sewage system" means a device for collecting or conducting sewage, industrial wastes, or other wastes to an ultimate disposal point.

(f) "Subsurface sewage treatment system" means the method of sewage treatment in which the effluent is applied below the soil surface.

(g) "Wastewater" means sewage, industrial waste, other wastes, or any combination thereof.

(h) "Wastewater system" means a public sewage system or other system that collects, transports, treats or disposes of industrial wastes.

(i) "Professional engineer" means an engineer licensed or otherwise authorized to practice engineering in Montana pursuant to Title 37, chapter 67, MCA.

(j) "Public water supply system" means a system for the provision of water for human consumption from a community well, water hauler for cisterns, water bottling plant, water dispenser, or other water supply that has at least 15 service connections or that regularly serves at least 25 persons daily for any 60 or more days in a calendar year.

(i) "Community water system" means a public water supply system that serves at least 15 service connections used by year-round residents or that regularly serves at least 25 year-round residents.

(ii) "Non-community water system" means a public water supply system that is not a community water system.

(4) A person may not commence or continue the construction, alteration, extension, or operation of a public water supply system or wastewater system, until the applicant has submitted a design report along with the necessary plans and specifications for the system to the department or a delegated division of local government for its review and has received written approval. Two sets of plans and specifications are needed for final approval. Approval by the department or a delegated division of local government is contingent upon construction and operation of the public water supply or wastewater system consistent with the approved design report, plans, and specifications. Failure to construct or operate the system according to the approved plans and specifications or the department's conditions of approval is an alteration for purposes of this rule.

(a) The design report, plans and specifications for community water systems must be prepared and designed by a professional engineer in accordance with the format and criteria set forth in Circular DEQ-1, "Montana Department of Environmental Quality Standards for Water Works", 1999 edition.

(b) The design report, plans and specifications for non-community water systems must be prepared in accordance with the format and criteria set forth in Circular DEQ-3, "Montana Department of Environmental Quality Standards for Small Water Systems", 1999 edition. The department or a delegated division of local government may require the plans and specifications for such a system to be prepared by a professional engineer when the complexity of the proposed system warrants such engineering (e.g., systems using gravity storage, pressure booster/reduction stations, or disinfection facilities).

(c) The design report, plans and specifications for all wastewater systems, except public subsurface sewage treatment systems, must be prepared and designed by a professional engineer in accordance with the format and criteria set forth in department Circular DEQ-2, "Montana Department of Environmental Quality Design Standards for Wastewater Facilities," 1999 edition. The design report, plans and specifications for a wastewater system must also be designed to protect public health and ensure compliance with the Montana Water Quality Act, Title 75, chapter 5, MCA, and rules adopted under the Act, including ARM Title 17, chapter 30, subchapter 7.

(d) The board adopts and incorporates by reference ARM 17.36.320 through 17.36.325, 17.36.327 and 17.36.345. The design report, plans, and specifications for public subsurface sewage treatment systems must be prepared in accordance with ARM 17.36.320 through 17.36.325, 17.36.327 and 17.36.345 and in accordance with the format and criteria set forth in department Circular DEQ-4, "Montana Standards for Subsurface Wastewater Treatment Systems," 2004 edition.

(e) The department may grant a deviation from the standards referenced in (a) through (e) when the applicant has demonstrated to the satisfaction of the department that strict adherence to the standards of this rule is not necessary to protect public health and the quality of state waters. Deviations from the standards may only be granted by the department.

(f) The applicant must identify to the satisfaction of the department or a delegated division of local government that a legal entity exists that is responsible for the ownership, maintenance, operation and perpetuation of the public water supply system or wastewater system. If a change of ownership occurs, the new owner of the public water supply system shall notify the department, in writing, within 30 days after the change of ownership occurs.

(5) Upon receipt of a submittal or resubmittal under (4) of this rule, the department shall provide a written response to the applicant within 60 days that either approves the submittal, approves the submittal with conditions, describes additional information that must be submitted to the department, or denies the proposal.

(6) The department or a delegated division of local government shall issue a written approval for a public water supply system or wastewater system if it determines that the design report, plans and specifications are complete and the applicant has complied with all provisions of this rule.

(a) The department's approval of a public water supply system may set forth conditions of approval which may include but shall not be limited to those specifying limits on quantities available for irrigation and fire flows, limited storage, standby power sources, and peak flows.

(b) The department's approval of a wastewater system may set forth conditions of approval which may include but shall not be limited to expected performance characteristics and performance limitations such as operations, staffing, financing, wastewater loads, standby power and access.

(7) Unless the applicant has completed the construction, alteration, or extension of a public water supply or wastewater system within 3 years after the department or a delegated unit of local government has issued its written approval, the approval is void and a design report, plans and specifications must be resubmitted as required by (4) of this rule with the appropriate fees specified in this subchapter. The department may grant a completion deadline extension if the applicant requests an extension in writing and demonstrates adequate justification to the department.

(8) The applicant shall not deviate from the approved plans and specifications without first receiving approval from the governmental entity that approved the plans and specifications.

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(9) A person may not commence or continue the operation of a public water supply or wastewater system, or any portion of such system, prior to certifying by letter to the department or a delegated division of local government that the system, or portion of the system constructed, altered, or extended to that date, was completed in accordance with plans and specifications approved by the department. For a system or any portion of a system designed by a professional engineer, the engineer shall sign and submit the certification letter to the department or a delegated division of local government.

(10) Within 90 days after the completion of construction, alteration, or extension of a public water supply or wastewater system, or any portion of such system, a complete set of certified "as-built" drawings must be signed and submitted to the department or a delegated division of local government. The department may require that the "as-built" submittal be accompanied by an operation and maintenance manual. For a system or any portion of a system designed by a professional engineer, the engineer shall sign and submit the certified "as-built" drawings to the department or a delegated division of local government.

(11) The applicant shall submit documentation indicating commitment to retain a qualified professional to provide certification that the system was built in conformance with the approved plans and specifications. If the system was designed by a professional engineer, the documentation must indicate that the certification will be provided by a professional engineer.

(12) The department or a delegated division of local government may require that chemical analyses, microbiological examinations, flow tests, pressure tests, treatment plant performance records or other measures of performance for a public water supply or wastewater system be conducted by the applicant to substantiate that the system complies with the criteria set forth in the design report, plans and specifications.

(13) When design reports, plans and specifications submitted pursuant to this rule are also part of a submittal for compliance with plan review pursuant to the Sanitation in Subdivisions Act, (Title 76, chapter 4, MCA) the applicant shall so indicate by written notice accompanying the submittal. Review under this rule will then be conducted pursuant to Title 76, chapter 4, MCA.

(14) The board adopts and incorporates by reference the following:

(a) Department of Environmental Quality Circular DEQ-1, 1999 edition, which sets forth the requirements for the design and preparation of plans and specifications for public water supply systems;

(b) Department of Environmental Quality Circular DEQ-2, 1999 edition, which sets forth the requirements for the design and preparation of plans and specifications for sewage works;

(c) Department of Environmental Quality Circular DEQ-3, 1999 edition, which sets forth minimum design standards for small water systems;

(d) Department Circular DEQ-4, 2004 edition, which sets forth standards for subsurface wastewater treatment systems; and

(e) 40 CFR 141.5, which sets forth siting requirements for public water supply components.

(15) A copy of any of the documents adopted under (14) may be obtained from the Department of Environmental Quality, P.O. Box 200901, Helena, MT 59620-0901. (History: 75-6-103, MCA; IMP, 75-6-103, 75-6-112, 75-6-121, MCA; NEW, 1977 MAR p. 1173, Eff. 12/24/77; AMD, 1981 MAR p. 205, Eff. 3/13/81; AMD, 1985 MAR p. 163, Eff. 2/15/85; AMD, 1992 MAR p. 2152, Eff. 9/25/92; AMD, 1995 MAR p. 667, Eff. 4/28/95; TRANS, from DHES, 1996 MAR p. 1499; AMD, 1998 MAR p. 1167, Eff. 5/1/98; AMD, 1999 MAR p. 1895, Eff. 9/10/99; AMD, 2000 MAR p. 3398, Eff. 12/8/00; AMD, 2003 MAR p. 230, Eff. 2/14/03; AMD, 2003 MAR p. 1630, Eff. 6/27/03; AMD, 2004 MAR p. 2579, Eff. 10/22/04; AMD, 2004 MAR p. 3016, Eff. 1/1/05.)

17.38.102 DELEGATION OF REVIEW OF SMALL PUBLIC WATER AND SEWER SYSTEM PLANS AND SPECIFICATIONS (1) The department may delegate to divisions of local government the review of plans and specifications for:

(a) small public water supply systems and small public sewer systems; and

(b) extensions or alterations of existing public water and public sewer systems that involve 50 or fewer connections.

(2) Delegation may occur only if:

(a) a division of local government submits a written application to the department that includes the following:

(i) a statement of intent that affirms the local government's intent to ensure that systems which it reviews comply with the minimum standards established in ARM 17.38.101;

(ii) names and qualifications of those employees who will be providing the review for the local unit of government; and

(iii) a request that the department provide training for public water and sewer system review.

(b) the department finds that the local government's review will protect public health and the quality of state waters. (History: 75-6-103, 75-6-121, MCA; IMP, 75-6-121, MCA, NEW, 1992 MAR p. 2152, Eff. 9/25/92; TRANS, from DHES, 1996 MAR p. 1499.)

Rules 17.38.103 and 17.38.104 reserved

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17.38.105 CROSS CONNECTIONS IS REPEALED (History: 75-6-103, MCA; IMP, 75-6-103, MCA; Eff. 12/31/72; AMD, 1992 MAR p. 2152, Eff. 9/25/92; TRANS, from DHES, 1996 MAR p. 1499; REP, 1998 MAR p. 958, Eff. 4/17/98.)

17.38.106 FEES (1) The purpose of this rule is to establish fee schedules to be used to calculate fees to be paid to the department for review of plans and specifications for public water supply and public sewage systems, as required under Title 75, chapter 6, part 1, MCA, and ARM 17.38.101.

(2) Fees for review of plans and specifications are based on (2)(a) through (e) and (3). The total fee for the review of a set of plans and specifications is the sum of the fees for the applicable parts or sub-parts listed in these citations. Approval will not be given until fees calculated under this rule have been received by the department.

(a) The fee schedule for designs requiring review for compliance with department Circular DEQ-1, 1999 edition, is set forth in Schedule I, as follows:

SCHEDULE I

Section 3.1 Surface water	
quality and quantity.....	\$ 200
structures.....	\$ 100
Section 3.2 Ground water.....	\$ 600
Section 4.1 Clarification	
standard clarification.....	\$ 500
solid contact units.....	\$ 1,000
Section 4.2 Filtration	
rapid rate.....	\$ 1,250
pressure filtration.....	\$ 950
diatomaceous earth.....	\$ 950
slow sand.....	\$ 950
Section 4.3 Disinfection.....	\$ 400
Section 4.4 Cation exchange softening.....	\$ 500
Section 4.5 Aeration	
natural draft.....	\$ 200
forced draft.....	\$ 200
Section 4.6 Iron and manganese	
control-sequestering.....	\$ 200
Section 4.8 Stabilization	
CO ₂ addition	\$ 300
Section 4.9 Taste and odor control	
powdered activated carbon.....	\$ 400
Section 4.11 Waste disposal	
alum sludge.....	\$ 250
lime softening sludge.....	\$ 250
red water waste.....	\$ 250
Chapter 5 Chemical application.....	\$ 700
Chapter 6 Pumping facilities.....	\$ 700
Section 7.1 Plant storage.....	\$ 500
Section 7.2 Hydropneumatic tanks.....	\$ 200
Section 7.3 Distribution storage.....	\$ 500
Chapter 8 Distribution system	
< 1320 lineal feet with standard specs.....	\$ 150
< 1320 lineal feet without standard specs....	\$ 450
> 1320 lineal feet with standard specs.....	\$ 300
> 1320 lineal feet without standard specs....	\$ 600
Main extension certified checklist.....	\$ 100

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(b) The fee schedule for designs requiring review for compliance with department Circular DEQ-2, 1999 edition, is set forth in Schedule II, as follows:

SCHEDULE II

Chapter 10 Engineering reports and facility plans,	
engineering reports (minor).....	\$ 300
comprehensive facility plan (major).....	\$ 1,000
Chapter 30 Design of sewers	
< 1320 lineal feet with standard specs.....	\$ 150
< 1320 lineal feet without standard specs....	\$ 450
> 1320 lineal feet with standard specs.....	\$ 300
> 1320 lineal feet without standard specs....	\$ 600
Sewer extension certified checklist.....	\$ 100
Chapter 40 Sewage pumping station	
1000 gpm or less.....	\$ 400
greater than 1000 gpm.....	\$ 800
Chapter 60 Screening grit removal	
screening devices and comminutors.....	\$ 300
grit removal.....	\$ 300
flow equalization.....	\$ 500
Chapter 70 Settling.....	\$ 800
Chapter 80 Sludge handling.....	\$ 1,600
Chapter 90 Biological treatment.....	\$ 2,400
nonaerated treatment ponds.....	\$ 800
aerated treatment ponds.....	\$ 1,400
Chapter 100 Disinfection.....	\$ 500
Appendices A, B, C & D (per design).....	\$ 700

(c) The fee schedule for designs requiring review for compliance with department Circular DEQ-4, 2004 edition, is as specified in the fee schedule in ARM 17.36.802 for wastewater disposal systems.

(d) The fee schedule for designs requiring review for compliance with department Circular DEQ-3, 1999 edition, is set forth in Schedule III, as follows:

SCHEDULE III

Section 3.2 Ground water.....	\$ 600
Chapter 6 Pump facilities.....	\$ 250
Chapter 7 Finished storage/hydropneumatic tanks.....	\$ 200
Chapter 8 Distribution system.....	\$ 300

(e) The fee schedule for the review of plans and specifications not covered by a specific department design standard, but within one of the following categories, is set forth in Schedule IV as follows:

SCHEDULE IV

Hypochlorinators.....	\$ 200
Ozonators up to 10 gpm.....	\$ 300
CT evaluations.....	\$ 200
Reverse osmosis up to 10 gpm.....	\$ 300
Spring box and collection lateral.....	\$ 250
Cartridge/bag filters.....	\$ 300

(3) Fees for review of plans and specifications not covered under (2), are established by the department based on a charge of \$50 per hour multiplied by the time required to review the plans and specifications. The review time applied to each set of plans and specifications will be determined by the review engineer and documented with time sheets. The maximum fee for the review of plans and specifications specified under this section is \$500.

(4) The fee for review of plans and specifications previously denied, for staff time over two hours, is \$50 per hour, assessed in half-hour increments, multiplied by the time required to review the plans and specifications. The review time applied to each set of plans and specifications must be determined by the review engineer and documented with time sheets. The maximum fee for each review of denied plans and specifications is \$500.

(5) The fee for review of deviations is \$100 per deviation.

(6) Fee payment must be in the form of a check or money order made payable to the state of Montana, department of environmental quality.

(7) When a resubmitted set of plans and specifications contains substantial changes in the design that require the plans and specifications to be reviewed again, the department may require an additional review fee. The additional fee will be calculated in the same manner as the original fee and based on those parts of the standard that must be reviewed again due to the change in design. The department shall give notice and provide for appeal as specified under 75-6-108(5), MCA. (History: 75-6-108, MCA; IMP, 75-6-108, MCA; NEW, 1992 MAR p. 2152, Eff. 9/25/92; AMD, 1995 MAR p. 667, Eff. 4/28/95; TRANS, from DHES, 1996 MAR p. 1499; AMD, 2003 MAR p. 230, Eff. 2/14/03; AMD, 2004 MAR p. 2579, Eff. 10/22/04; AMD, 2005 MAR p. 577, Eff. 4/15/05.)

